

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 26, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RAUL G. F.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:23-cv-3003-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)**

On June 16, 2023, the parties filed a Stipulated Motion for Remand. The parties agree that the matter should be remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that Plaintiff may apply for attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is

GRANTED.

2. Judgment shall be entered for **Plaintiff**.

¹ For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- Ensure that if evidence is obtained post-hearing, it is proffered to Plaintiff and his representative and that the procedures set forth in HALLEX I-2-7-1 are followed.
- Obtain supplemental vocational expert to clarify the effect of the assessed limitations on Plaintiff's ability to perform work available in significant numbers in the national economy.
- Offer Plaintiff an opportunity for a new hearing, take any further action needed to complete the administrative record, reevaluate the medical evidence, and issue a new decision.

4. All pending motions and hearings are **STRICKEN**.

5. If filed, the Court will consider Plaintiff's motion for EAJA fees.

6. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 26th day of June 2023.



EDWARD F. SHEA
Senior United States District Judge